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Filing date: **04/19/2012**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91199018
Party	Plaintiff Amylin Pharmaceuticals, Inc.
Correspondence Address	JENNIFER FRASER CONNOLLY BOVE LODGE HUTZ LLP PO BOX 2207 WILMINGTON, DE 19801 UNITED STATES trademarks@cblh.com
Submission	Opposition/Response to Motion
Filer's Name	Jennifer Fraser
Filer's e-mail	trademarks@cblh.com, jfraser@cblh.com, bstaley@cblh.com
Signature	/jf/
Date	04/19/2012
Attachments	Opposition to Applicant's Request for the Initial Disclosure to Opposer.pdf (30 pages)(969217 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In re: Application Serial No. 85/094,790	:	
	:	
Filed: July 28, 2010	:	
	:	
For the Mark: DR. AMLIN	:	Opposition No. 91199018
	:	
Published: March 8, 2011	:	
	:	
Amylin Pharmaceuticals, Inc.,	:	
	:	
Opposer,	:	
	:	
v.	:	Attorney Docket No.: 32377-1
	:	
Amlin Health, LLC	:	
	:	
Applicant.	:	

**OPPOSITION TO APPLICANT’S REQUEST FOR THE
INITIAL DISCLOSURE TO OPPOSER**

Amylin Pharmaceuticals, Inc. (“Opposer”) respectfully requests the Board deny Applicant’s “Request for the Initial Disclosure to Opposer” (“Applicant’s Motion”) because Opposer timely and properly served its Initial Disclosures pursuant to the Board’s Initial March 16, 2011 Scheduling Order. Opposer’s June 23, 2011 Rule 26 Initial Disclosures are attached at Exhibit A. Thus, the paper filed by Applicant is entirely inappropriate and the relief requested by Applicant is unwarranted and moot. Opposer’s counsel advised Applicant of this prior to filing this Opposition and requested Applicant withdraw its Motion; however Applicant refused and unfortunately, once again, Applicant is wasting the resources of the Board as well as those of the parties.

I. BACKGROUND

On March 16, 2011, Opposer filed a Notice of Opposition against Application No. 85/094,790 for the mark “DR. AMLIN & Design” for the goods “dietary and nutritional supplements; dietary supplements; vitamins.” On the same day, the Board instituted this proceeding and set discovery to open on May 25, with Initial Disclosures due June 24, 2011. Then-counsel for Applicant, Matthew Swyers, filed an Answer on April 12, 2011 and, on May 23, 2011, Applicant’s counsel and Opposer’s counsel held the discovery conference with Board participation. During the conference, among other things, the parties agreed to send courtesy copies of documents by e-mail; however, the parties did not waive service by first class mail and agreed service by mail would be used for calculating deadlines. *See* 37 CFR § 2.119; TBMP § 113.

On June 24, 2011, Opposer timely served Applicant’s then-counsel with Opposer’s Rule 26 Initial Disclosures by e-mail and mail. Opposer did not receive Applicant’s Rule 26 Initial Disclosures. On June 29, Opposer served Applicant with Opposer’s First Set of Interrogatories, First Set of Requests for Production, and First Set of Requests for Admission.¹ On July 6, 2011, Applicant’s counsel filed a Motion to Withdraw and served it on Applicant and Opposer which included, *inter alia*, a certification stating all papers had been delivered to Applicant. On July 14, 2011, and after appropriately conferring with Applicant and Applicant’s counsel at the time (as withdrawal had not yet been granted), Opposer filed its first Motion to Compel Discovery and served the Motion on Applicant and Applicant’s counsel at the time. In its Motion to

¹ The Rules require service of Initial Disclosures before discovery requests can be served.

Compel, Opposer recited the background leading up to the Motion and also included statements detailing the service of Opposer's Initial Disclosures.

On August 5, the Board issued an Order granting Applicant's counsel's withdrawal and requesting Applicant confirm if it will represent itself and, because of Applicant's improper service of some papers, the Board explained service and ordered Applicant to properly serve Opposer and submit proof of service to the Board. In a response, on August 12, 2011, Applicant indicated it would represent itself but it did not indicate that it had not received any papers.

On October 28, the Board issued an Order granting Opposer's July 14 Motion to Compel and ordering Applicant to provide Opposer with its required Initial Disclosures and discovery responses within 15 days of the Order.² Opposer did not receive Applicant's disclosures or discovery responses by this deadline. On November 18, after once again conferring with Applicant and failing to receive an appropriate response or discovery documents, Opposer filed its second Motion to Compel Discovery and For Discovery Sanctions. In this Motion, Opposer again recited the background leading up to the Motion and also included statements detailing the service of Opposer's Initial Disclosures. At no point did Applicant indicate it did not receive the Initial Disclosures or request another copy of the Initial Disclosures.

On March 9, 2012, the Board issued another Order providing Applicant "one more opportunity" to serve its Initial Disclosures, and the Order also instructed Applicant to provide

² In the Order, the Board acknowledged Applicant is now representing itself and again included *pro se* information reminding Applicant must comply with the Rules. Since Applicant advised it was representing itself, and since the Motion to Withdraw, Opposer has sent/copied and served/copied all papers to Applicant, as appropriate, and not its prior counsel once withdrawal was granted. The Order also addressed two "Motions to Extend/Reopen Time" for 90 and 180 days filed by Applicant and denied its Motion to reopen time to serve Initial Disclosures. In opposing these Motions, on August 22, 2011, Opposer detailed facts about its service of Initial Disclosures and the Discovery Requests and even provided Applicant with the Certificate of Service for Opposer's Initial Disclosures. At no point did Applicant indicate it did not receive these papers or request another copy.

its responses to Opposer's outstanding discovery requests (*i.e.*, Interrogatories and Requests for Production of Documents). In view of Applicant's failure to timely provide the required documents and its delay of over eight months, the Board warned "[i]f applicant fails to provide the disclosures and the discovery responses to the current discovery requests, the Board will be favorably disposed to consider any motion for sanctions in the nature of judgment brought by opposer regarding applicant's failure to provide such disclosures and discovery." The March 9 Order allowed Applicant twenty days to provide these disclosures and responses. Opposer still has not received Applicant's outstanding discovery responses and Applicant's Initial Disclosures were not properly served (*i.e.*, they were only served by e-mail), as outlined in Opposer's April 2, 2012 Motion for Discovery Sanctions.

Opposer still has not received the outstanding discovery responses, nor any indication when it would, yet Applicant subsequently filed the instant "Motion" on Thursday, April 5, 2012 (and this Motion was only transmitted electronically to Opposer, not served by mail, and was only sent to counsel's direct e-mail, not the e-mail address of record with the Board). Applicant did not advise Opposer it planned on filing this Motion, nor seek resolution of this matter by conferring with Opposer prior to filing this Motion with the Board. After receiving this Motion, Opposer's counsel provided Applicant with another copy of the Initial Disclosures on April 9 pointing out the Certificate of Service indicating they were timely served and requesting Applicant withdraw the Motion to avoid needless Motion practice at the Board (*see* e-mail from Opposer's counsel attached at Exhibit B).

Thereafter, Applicant inquired about the June 24, 2011 service date and Opposer's counsel explained its Initial Disclosures were timely and pointed out other deficiencies in the

service of Applicant's papers and again requested withdrawal of the Motion (*see* e-mails attached at Exhibit C). Opposer's counsel then received a confusing reply from Applicant on April 12, at the end indicating it will file an "alternative" (*see* e-mail attached at Exhibit D). The only paper that was then filed on April 15 is a document captioned "Request the Board: Refuses and Does Not Grant (sic) Opposer's Motion for Discovery Sanctions" attaching Applicant's modified Initial Disclosures (the Certificate of Service dates do not correspond to the filing date and the date Opposer's counsel received this paper electronically on April 15 and no copy has yet been received by mail, nor has an e-mail been sent to counsel's e-mail address of record). Opposer interprets this paper to be an Opposition to the Motion to Compel and will file a timely Reply, pursuant to the Rules.³ Because Applicant has not withdrawn its moot Motion, or filed an "alternative," Opposer is opposing the current Request (or Motion).

II. APPLICANT'S MOTION SHOULD BE DENIED

For some reason, Applicant is requesting the Board to compel Initial Disclosures that were properly and timely served almost ten months ago. Opposer explained this to Applicant and even provided another copy of the Initial Disclosures to Applicant in an attempt to prevent any further misuse of the Board's time and resources; however, this attempt failed (*see* e-mails at Exhibits B, C and D). Not only is the Applicant's request moot, it appears Applicant is deliberately trying to waste the Board's and Opposer's time and resources. While Opposer cannot understand why Applicant is filing these papers, at best, it appears Applicant is trying to play dumb in an apparent attempt to *try to* excuse its repeated failures to satisfy the most basic

³ While the substance of this paper does not provide any defense to failing to provide discovery responses, nor even mentions the responses, Opposer will be forced to address Applicant's irrelevant statements so the full record is before the Board.

deadlines. The Board has repeatedly warned Applicant of the Rules and the deadlines, and such attempts by Applicant are not warranted by the Rules and must fail.

It is clear Opposer's counsel timely served its Initial Disclosures as it should have at the time (*i.e.*, on properly designated counsel). Thereafter, Opposer's counsel tried to help Applicant by providing another copy and giving him a practice tip (*i.e.*, withdraw the moot motion and serve papers properly), yet Applicant stubbornly proceeds to waste everyone's time and resources with confusing and inappropriate papers that do not advance this case one iota. Not only is Applicant's "Request" deficient for these reasons, but Applicant also failed to confer with Opposer prior to filing the Motion, as required by the Rules. TBMP § 523.02.⁴ For these reasons, the Board should deny Applicant's Request and *again* order Applicant to properly serve papers by e-mail and mail, as agreed by the Parties and as also provided in the Rules for purposes of calculating dates (unless another acceptable method of service such as courier is substituted).

Opposer's counsel regrets having to file this paper because of the needless inconvenience to the Board, and also because of the significantly mounting costs and delay to Opposer. The prejudice to Opposer increases exponentially with each piece of ridiculous correspondence and inappropriately "filed" document. Opposer respectfully requests the Board consider the ever-increasing prejudice to Opposer when considering remedies and sanctions in connection with this matter.

⁴ TBMP § 523.02 states a Motion "must be supported by a written statement from the moving party that such party or the attorney therefor has made a good faith effort, by conference or correspondence, to resolve with the other party or the attorney therefor the issues presented in the motion but the parties were unable to resolve their differences. If issues raised in the motion are subsequently resolved by agreement of the parties, the moving party should inform the Board in writing of the issues in the motion which no longer require adjudication."

III. CONCLUSION

Opposer respectfully requests that the Board enter an order: 1) denying Applicant's Motion; 2) requesting Applicant to properly serve papers; and/or 3) taking any other appropriate action the Board deems just and proper.

Respectfully submitted,
Amylin Pharmaceuticals, Inc.

Date: April 19, 2012

/s/ Jennifer Fraser
Jennifer Fraser
Christina M. Hillson
Connolly Bove Lodge & Hutz LLP
The Nemours Building
1007 N. Orange Street
P.O. Box 2207
Wilmington, DE 19899
Attorneys for Opposer

4735691_1.DOC

CERTIFICATE OF SERVICE

I hereby certify that on this 19th day of April 2012 a true and correct copy of the foregoing document was caused to be served on the following party as indicated:

VIA E-MAIL AND FIRST CLASS MAIL

Linus Zhang, M.D.
Amlin Health, LLC
451 Hungerford Drive
Suite 119-132
Rockville, MD 20850
amlinhealth@gmail.com

/s/ Jennifer Fraser

Jennifer Fraser

Exhibit

A

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In re: Application Serial No. 85/094,790	:	
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Filed: July 28, 2010	:	
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For the Mark: Dr. Amlin & Design	:	Opposition No. 91199018
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Published: March 8, 2011	:	
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Amylin Pharmaceuticals, Inc.,	:	
	:	
Opposer,	:	
	:	
v.	:	Attorney Docket No.: 32377-1
	:	
Amlin Health, LLC	:	
	:	
Applicant.	:	

OPPOSER'S RULE 26 INITIAL DISCLOSURES

Pursuant to Federal Rule of Civil Procedure 26(a)(1)(A), Amylin Pharmaceuticals, Inc. ("Opposer"), hereby makes the initial disclosures set forth below. These disclosures are based on the information reasonably available to Opposer at present, and Opposer reserves the right to supplement or modify these disclosures as Opposer obtains additional information.

Although Opposer has made a good-faith effort to fully comply with the disclosure requirements of Rule 26(a)(1), Opposer does not represent that these disclosures identify every document, tangible thing, or witness relevant to the claims or defenses of either party to this action. Opposer reserves the right to call any witness or present any exhibit or item at trial not listed here but identified through discovery or investigation during this action.

Moreover, Opposer does not waive its right to object to the production of any document or tangible thing disclosed based on the attorney-client privilege, the work product doctrine, relevancy, undue burden, or any other valid privilege or objection.

- (i) **The name and, if known, the address and telephone number of each individual likely to have discoverable information.**

1.

REDACTED

2.

REDACTED

Dr. _____ and Mr. _____ have knowledge regarding Opposer's adoption and use of its AMYLIN trademark, including the goods offered under the trademark and the market for the goods.

- (ii) **A description of all documents that Opposer may use to support its claims or defenses.**

Subject to the qualifications set forth above, and in accordance with Federal Rule of Civil Procedure 26(a)(1)(A), and unless otherwise specified, the categories of documents listed below may be made available at the offices of Opposer's attorneys at 1875 Eye Street, NW, Suite 1100, Washington, DC to the extent that they are not produced directly to Applicant. Categories of documents in the possession, custody or control of Opposer that may be used to support its claims and/or defenses include:

- Registration Nos. 1,866,180; 3,535,623; 3,535,622; 3,282,390; 3,282,373; 3,282,372; 3,532,401; 3,282,371; and 3,372,846.
- Documents and things showing Opposer's use of its AMYLIN trademark in the United States.

- Documents and things showing the likelihood of confusion between Opposer's AMYLIN trademark and the mark of Application No. 85/094,790.

(iii) A computation of each category of damages claimed by Opposer.

This required disclosure under the Federal Rules of Civil Procedure is inapplicable to trademark opposition proceedings.

(iv) Any applicable insurance agreements.

This required disclosure under the Federal Rules of Civil Procedure is inapplicable to trademark opposition proceedings.

DATE: June 23, 2011

/s/ Jennifer Fraser
Jennifer Fraser
Christina M. Hillson
Connolly, Bove, Lodge & Hutz LLP
1007 North Orange St.
P.O. Box 2207
Wilmington, DE 19899
(302) 658-9141 Telephone
(302) 658-5614 Facsimile

*Attorneys for Opposer,
Amylin Pharmaceuticals, Inc.*

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing **Opposer's Initial Disclosures** was served today, June 23, 2011, by First Class Mail, postage prepaid, on the following party with a courtesy copy sent via e-mail:

FIRST CLASS MAIL

Matthew H. Swyers, Esq.
The Trademark Company, PLLC
344 Maple Avenue West, Suite 151
Vienna, VA 22180-5612
mswyers@TheTrademarkCompany.com
Attorneys for Applicant

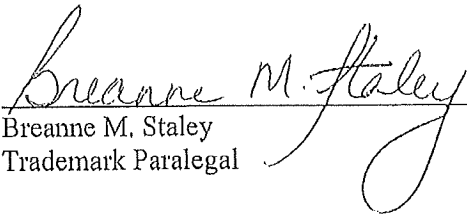

Breanne M. Staley
Trademark Paralegal

Exhibit B

Breanne M. Staley

From: Jennifer Fraser
Sent: Monday, April 09, 2012 12:23 PM
To: 'Linus Zhang'
Subject: RE: Applicant's request for the initial disclosure to Opposer
Attachments: Amylin Initial Disclosures.pdf

Dear Dr. Zhang,

We are in receipt of your e-mail below and, for your reference, we attach another copy of our Initial Disclosures which were served by e-mail and mail on June 23, 2011 as shown in the Certificate of Service. Accordingly, for this reason among others, the "Request for Initial Disclosure" you filed at the TTAB is improper. Unless you promptly withdraw the Request, we will be forced to oppose the Request explaining this to the TTAB.

Please contact us if you have any comments or would like to discuss.

Regards,

Jennifer Fraser

Connolly Bove Lodge & Hutz LLP

Suite 1100

1875 Eye Street NW

Washington, DC 20006

TEL (202) 756-4356 (direct)

FAX (202) 293-6229

From: Linus Zhang [<mailto:amlinhealth@gmail.com>]
Sent: Thursday, April 05, 2012 10:00 PM
To: Jennifer Fraser
Cc: amlinhealth
Subject: Applicant's request for the initial disclosure to Opposer

Dear Jennifer:

Please see the attached copy of request for the Initial Disclosure which was filed at the Trademark Trial and Appeal Board today.

We look forward to receiving the Initial Disclosure from you as soon as possible.

Regards,

Linus Zhang, M.D.

Amlin Health, LLC

451 Hungerford Dr. 119-132

Rockville, MD 20850

Tel: 301.256.7780

email: amlinhealth@gmail.com

Exhibit C

Breanne M. Staley

From: Jennifer Fraser
Sent: Tuesday, April 10, 2012 3:32 PM
To: 'Linus Zhang'
Subject: RE: Applicant's request for the initial disclosure to Opposer

Dear Dr. Zhang,

In response to your inquiry, the Opposer's Initial Disclosures dated June 23, 2011 are the current version of Opposer's Initial Disclosures. June 23, 2011 corresponds to the deadline set by the Board for serving this document and Opposer satisfied this deadline. Because of this, and for other reasons, this "Request" that you have filed with the Board is improper.

Also, as previously explained by the TTAB and as described in the Rules, to effect service in this case, papers in this proceeding must be served by mail. The parties also agreed to send courtesy copies of such papers by electronic mail. Accordingly, to properly serve papers, the parties need to serve papers by mail and many of your papers have not been properly served by mail.

Please promptly advise whether you will try to withdraw the "Request" or, alternatively, Opposer will be forced to file an Opposition to the Request.

Regards,

Jennifer Fraser

Connolly Bove Lodge & Hutz LLP

Suite 1100

1875 Eye Street NW

Washington, DC 20006

TEL (202) 756-4356 (direct)

FAX (202) 293-6229

From: Linus Zhang [<mailto:amlinhealth@gmail.com>]
Sent: Tuesday, April 10, 2012 2:20 PM
To: Jennifer Fraser
Cc: amlinhealth
Subject: Re: Applicant's request for the initial disclosure to Opposer

Dear Jennifer:

We have received a copy of your Initial Disclosure yesterday, however, we realized this was served last June. Are you sure this is the most updated Initial Disclosure available to date? If not, please serve any new one.

What do you mean improper for the "Request for Initial Disclosure" we filed recently to the TTAB? Can you specify it?

Regards,

Linus Zhang, M.D.

Amlin Health, LLC

On Apr 9, 2012, at 12:23 PM, Jennifer Fraser wrote:

Dear Dr. Zhang,

We are in receipt of your e-mail below and, for your reference, we attach another copy of our Initial Disclosures which were served by e-mail and mail on June 23, 2011 as shown in the Certificate of Service. Accordingly, for this reason among others, the "Request for Initial Disclosure" you filed at the TTAB is improper. Unless you promptly withdraw the Request, we will be forced to oppose the Request explaining this to the TTAB.

Please contact us if you have any comments or would like to discuss.

Regards,

Jennifer Fraser

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1875 Eye Street NW

Washington, DC 20006

TEL (202) 756-4356 (direct)

FAX (202) 293-6229

From: Linus Zhang [<mailto:amlinhealth@gmail.com>]

Sent: Thursday, April 05, 2012 10:00 PM

To: Jennifer Fraser

Cc: amlinhealth

Subject: Applicant's request for the initial disclosure to Opposer

Dear Jennifer:

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Rockville, MD 20850

Tel: 301.256.7780

email: amlinhealth@gmail.com

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<Amylin Initial Disclosures.pdf>

Breanne M. Staley

From: Jennifer Fraser
Sent: Tuesday, April 10, 2012 2:58 PM
To: Virginia Hamel; Breanne M. Staley; Christina M. Hillson
Subject: FW: Applicant's request for the initial disclosure to Opposer

From: Linus Zhang [<mailto:amlinhealth@gmail.com>]
Sent: Tuesday, April 10, 2012 2:20 PM
To: Jennifer Fraser
Cc: amlinhealth
Subject: Re: Applicant's request for the initial disclosure to Opposer

Dear Jennifer:

We have received a copy of your Initial Disclosure yesterday, however, we realized this was served last June. Are you sure this is the most updated Initial Disclosure available to date? If not, please serve any new one.

What do you mean improper for the "Request for Initial Disclosure" we filed recently to the TTAB? Can you specify it?

Regards,

Linus Zhang, M.D.

Amlin Health, LLC

On Apr 9, 2012, at 12:23 PM, Jennifer Fraser wrote:

Dear Dr. Zhang,

We are in receipt of your e-mail below and, for your reference, we attach another copy of our Initial Disclosures which were served by e-mail and mail on June 23, 2011 as shown in the Certificate of Service. Accordingly, for this reason among others, the "Request for Initial Disclosure" you filed at the TTAB is improper. Unless you promptly withdraw the Request, we will be forced to oppose the Request explaining this to the TTAB.

Please contact us if you have any comments or would like to discuss.

Regards,

Jennifer Fraser

Connolly Bove Lodge & Hutz LLP

Suite 1100

1875 Eye Street NW

Washington, DC 20006

TEL (202) 756-4356 (direct)

FAX (202) 293-6229

From: Linus Zhang [<mailto:amlinhealth@gmail.com>]

Sent: Thursday, April 05, 2012 10:00 PM

To: Jennifer Fraser

Cc: amlinhealth

Subject: Applicant's request for the initial disclosure to Opposer

Dear Jennifer:

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We look forward to receiving the Initial Disclosure from you as soon as possible.

Regards,

Linus Zhang, M.D.

Amlin Health, LLC

451 Hungerford Dr. 119-132

Rockville, MD 20850

Tel: 301.256.7780

email: amlinhealth@gmail.com

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<Amylin Initial Disclosures.pdf>

Exhibit D

Breanne M. Staley

From: Jennifer Fraser
Sent: Thursday, April 12, 2012 12:42 PM
To: Breanne M. Staley; Virginia Hamel; Christina M. Hillson
Subject: FW: Applicant's request for the initial disclosure to Opposer

From: Linus Zhang [mailto:amlinhealth@gmail.com]
Sent: Thursday, April 12, 2012 12:32 PM
To: Jennifer Fraser
Cc: amlinhealth
Subject: Re: Applicant's request for the initial disclosure to Opposer

Dear Jennifer:

No, I disagree with your points below.

Here are reasons:

- 1---we received the Opposer's Initial Disclosures you sent by the email on April 9, 2012, which was dated June 23, 2011 and sent to Mr. Matthew H. Swyers (The Trademark Company, PLLC, located at 344 Maple Avenue West, Suite 151, Vienna, VA 22180 USA, Phone (800) 906-8626 x100) NOT to us. We had nothing to do Mr. Matthew Swyers since last summer;
- 2--since Mr. Matthew H. Swyers was no longer represent us any more since last summer, as I repeated, please correspond to me directly on this issue, not someone else;
- 3---because of above reasons and things are changed now, the way to better communicate and serve between Applicant and Opposer should be re-discussed and re-thought. The preferred way for Applicant and for the green environment protection is electronic mail (e-mail)
- 4--Applicant may file an alternative per your request below.

By the way, in response to your inquiry, anyway, the hard copy of Applicant's Initial Disclosure has served to you by mail this morning.

Regards,

Linus Zhang, M.D.

Amlin Health, LLC

On Apr 10, 2012, at 3:32 PM, Jennifer Fraser wrote:

Dear Dr. Zhang,

In response to your inquiry, the Opposer's Initial Disclosures dated June 23, 2011 are the current version of Opposer's Initial Disclosures. June 23, 2011 corresponds to the deadline set by the Board for serving this document and Opposer satisfied this deadline. Because of this, and for other reasons, this "Request" that you have filed with the Board is improper.

Also, as previously explained by the TTAB and as described in the Rules, to effect service in this case, papers in this proceeding must be served by mail. The parties also agreed to send courtesy copies of such papers by electronic mail. Accordingly, to properly serve papers, the parties need to serve papers by mail and many of your papers have not been properly served by mail.

Please promptly advise whether you will try to withdraw the "Request" or, alternatively, Opposer will be forced to file an Opposition to the Request.

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Jennifer Fraser

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Sent: Thursday, April 05, 2012 10:00 PM

To: Jennifer Fraser

Cc: amlinhealth

Subject: Applicant's request for the initial disclosure to Opposer

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<Amylin Initial Disclosures.pdf>

This e-mail and any attachment is intended only for use by the addressee(s) and may contain privileged and confidential information. Please email or call 302-658-9141 to advise the sender of a transmission error and delete the message and any attachments and any printouts. Any tax advice contained in this communication is not intended and cannot be used to avoid penalties under the Internal Revenue Code or to promote, market or recommend to another party any transaction or matter addressed herein.